

Congress of the United States
Washington, DC 20515

January 13, 2006

Mark McClellan, Administrator
Centers for Medicare and Medicaid Services
Department of Health and Human Services
Room 445-G, Hubert Humphrey Building
200 Independence Avenue, SW
Washington, DC 20201

Dear Dr. McClellan,

As the new Medicare prescription drug benefit is implemented in our state, we are deeply concerned about the many problems beneficiaries are having. As you know, state governors have enacted safety net programs for elderly and disabled people who are unable to obtain medications under the Medicare program. We are writing to inquire what you plan to do immediately in response to these many problems, and we request that you give attention to this matter as soon as possible.

We have heard from advocacy organizations and constituents in our state that Medicare beneficiaries are not receiving drugs they need under the prescription drug plan. The problems are multi-fold, but the bottom line is the same: people in need of medications do not have access to them. Examples of situations we have heard about include a 43-year old man with a blood disorder who called advocates threatening suicide because he was unable to access his drugs. He will likely die within the week if he cannot receive his medications. There are numerous individuals who have left the pharmacy without their prescriptions because they were mistakenly charged the standard \$250 deductible although they were eligible for the low income subsidy. Advocates are convinced that injuries and fatalities will occur within days among those who find themselves without access to medications or the funds necessary to cover the costs out of pocket. This is especially true for the most vulnerable populations who face extraordinary health, transportation, and financial barriers.

The Centers for Medicare and Medicaid Services released a contingency plan last month that outlined the procedures to be taken should problems occur for Medicare beneficiaries accessing their drugs under Part D. It is clear that this plan is not properly addressing all of the problems that beneficiaries are facing. Organizations and pharmacies in the state are unequipped to administer an adequate safety net for all of the Medicare beneficiaries encountering problems. We ask that you take immediate action to help individuals in need and that you inform us of the measures you will take.

We are deeply concerned that vulnerable populations across the country are facing the possibility of further debilitation or injury due to lack of access to their prescription drugs. This situation has reached emergency status, and we ask that you treat it as such.

Thank you for your urgent attention to this matter, and we look forward to a prompt response.

Sincerely,

Numell D Feingold

Tammy Baldwin

Steven J. Mauer

Herb Kohl

Ron Kind

Frank D. LaCorte